

SENATE CHAMBER,
AUSTIN, TEXAS, June 3, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Pyle, the reading of the journal of yesterday was dispensed with.

A message was received from the House, informing the Senate that the House had passed the following bills:

Senate bill No. 404, "An act supplemental to an act entitled an act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874."

Senate bill No. 394, "An act for the relief of C. C. King."

Senate bill No. 393, "An act to promote the construction of water works for the city of Galveston."

Senate bill No. 275, "An act to create and organize the county of Green."

Senate bill No. 362, "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease."

House bill No. 986, "An act to make an appropriation to pay the old pensions."

Also, "An act to authorize the County Court of Ellis county to have the record of deeds transcribed from the counties of Robertson and Navarro, and have the same recorded in Ellis county."

House bill No. 415, "An act to authorize the several county courts in this State to offer a premium for wolf scalps."

House bill No. 509, "An act to amend an act entitled an act to incorporate the Island City Real Estate and Homestead Association of Galveston, approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871."

Also, that the House had adopted a concurrent resolution authorizing the Governor to offer a reward of five hundred dollars for the apprehension and delivery to the sheriff of Hill county, John A. Purnell, a defaulter to

the public school fund, and fugitive from several criminal prosecutions for embezzlement.

Senator Dillard presented the memorial of W. B. Johnson, late sergeant-at-arms of the Senate of the Twelfth Legislature. Memorial read and referred to a select committee, viz.: Senators Dillard, Henry and Ball.

Senator Shelley in the chair.

On motion of Senator Pickett the motion to reconsider the vote by which House bill No. 221, "An act to regulate the testimony of witnesses in cases of bribery," was indefinitely postponed, was taken up, and the Senate refused to reconsider by the following vote:

Yeas—Senators Ball, Broughton, Dillard, Dohoney, Finlay, Henry, King, Sayers, Shelley, Swift, Tracy, Word and Mr. President—13.

Nays—Senators Baker, Cole, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor and Tendick—14.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills ask leave to report that they have examined and find correctly engrossed the following bills:

Senate bill No. 409, "An act to provide for obtaining the portraits of Hon. John Hemphill, former Chief Justice, and Hon. Royal T. Wheeler, Associate Justice, and the late Thomas Green, clerk of the Supreme Court, and making appropriation therefor."

Substitute for the House substitute for Senate bill No. 281, "An act making an appropriation to carry out the provisions of the act of August 13, 1870, entitled an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

Senate bill No. 401, "An act to incorporate the Texas Bridge Building Company."

HENRY C. KING, Chairman.

Senator King also submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills ask leave to report that they have examined and find correctly engrossed the following bills:

Senate bill No. 408, "An act to provide for the employment and payment of attorneys to attend to certain suits

instituted in the District Court of Travis county, under an act of the Legislature entitled an act to ascertain and adjudicate certain claims for land against the State, situated between the Nueces and Rio Grande rivers, approved August 15, 1870."

Senate bill No. 286, "An act for the relief of Benjamin C. Franklin."

HENRY C. KING, Chairman.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: I, on behalf of your Committee on Enrolled Bills, beg leave to report that on yesterday at 5:15 o'clock P. M., I presented to the Governor, for his signature and approval, the following Senate bills, to-wit:

No. 86, "An act supplementary and amendatory of an act to provide for the establishment of the Agricultural and Mechanical College of Texas, approved April 17, 1871."

No. 319, "An act for the relief of the heirs of Jas. W. Dickson, deceased."

No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association, of Harris county, Texas."

No. 289, "An act to incorporate the Hebrew Sinai Congregation."

J. G. TRACY, Chairman *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to report that they have examined and compared the following Senate bills, and find them correctly enrolled:

No. 250, "An act to prevent the sale and gift of spirituous or intoxicating liquors within two miles of Concrete College."

No. 338, "An act making appropriations to pay salaries of certain extra clerks in the Comptroller's and Treasurer's offices, appointed to serve during the session of the Thirteenth Legislature."

No. 384, "An act to amend section one of article three of an act incorporating the city of Austin, approved April 5, 1873."

No. 276, "An act to authorize the County Court of Kendall county to levy and collect a special tax to pay the outstanding debt of said county."

No. 373, "An act to provide for the improvement of the navigation of the Trinity river, and to grant the aid of the State therefor."

No. 396, "An act supplementary to an act entitled an act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

And also certify that, at 9:30 o'clock P. M. on yesterday, we did present the aforesaid bills to his Excellency the Governor for his approval and signature.

J. G. TRACY, Chairman *pro tem*.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills, to whom was referred Senate bill No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," have examined the same, and find it correctly enrolled.

J. G. TRACY, Chairman *pro tem*.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and compared the following Senate bills, and find them correctly enrolled, and at 11 o'clock P. M. on yesterday presented the same to his Excellency the Governor for his approval and signature, to-wit:

No. 392, "An act to authorize the Judge of the Third Judicial District to hold a special term of the District Court of McLennan county for the trial of criminal causes."

No. 287, "An act to incorporate the Lake City Navigation Company, and to aid said company to improve the navigation of Big Cypress Bayou."

No. 255, "An act to incorporate the Paris Street Railway Company."

No. 278, "An act authorizing the County Court of Kendall county to have transcripts made of deeds, mortgages, judgments, etc., from records of the counties of Bexar, Comal and Blanco."

J. G. TRACY, Chairman *pro tem*.

On motion of Senator Shelley the motion to reconsider the vote by which the Senate refused to pass House bill No. 896, "An act to regulate the fees of office," was taken up.

Senator Hall moved to lay the motion to reconsider on the table.

Lost by the following vote :

Yeas—Senators Baker, Ford, Flanagan, Fountain, Gaines, Hall, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—12.

Nays—Senators Ball, Broughton, Dillard, Dohoney, Finlay, Franks, Henry, King, Pyle, Sayers, Shelley, Swift, Word and Mr. President—14.

Senator Hall moved a call of the Senate. Called sustained.

Absent—Senators Evans and Pyle.

On motion of Senator Dohoney, Senator Evans was excused.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

Hon. H. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills, to whom was referred the following Senate bill, to-wit, No. 393, "An act to promote the construction of water works for the city of Galveston," have examined and compared the same, and find it correctly enrolled.

J. G. TRACY, for Committee.

The Senate being full, the call was suspended, and Senator Shelley's motion to reconsider the vote by which the Senate refused to pass House bill No. 896, "An act to regulate the fees of office," again taken up, and the Senate refused to reconsider by the following vote:

Yeas—Senators Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Henry, King, Sayers, Shelley, Swift, Word and Mr. President—13.

Nays—Senators Baker, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—14.

A message was received from the House informing the Senate that the House had passed House bill No. 334, "An act supplemental to and amendatory of the several acts concerning injunctions," notwithstanding the objections of the Governor.

Senator Tracy introduced a bill to be entitled "An act to grant leave of absence from the State to Judge James Masterson, in 1873."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 989, "An act to prohibit the municipal corporation of the mayor, aldermen and inhabitants of the city of Houston from hereafter contracting any debt, or issuing bonds for any debt hereafter contracted, or from making any contract or lease, to extend beyond the first day of January, A. D. 1874."

Senate bill No. 628, "An act to consolidate into one act and amend the several acts incorporating the city of Houston in Harris county."

Senator Finlay, chairman of the Committee on State Affairs, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 330, to be entitled "An act for the relief of Columbus Lodge No. 51, I. O. O. F.," have considered the same, and do recommend that the same may pass.

GEO. P. FINLAY, Chairman.

The following message was received from his excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, June 2, 1873. }

Hon. E. B. Pickett, President of the Senate:

SIR: Herewith I return to the Senate, where it originated, the joint resolution entitled "Joint resolution for the relief of Mrs. Belle Murray." It is disagreeable to have to object to such a bill as this, because the unfortunate lady for whose benefit it has been passed is doubtless in need of relief; but for all that, we must not allow our sympathies to take the course of opening the treasury of the State for this, there being no constitutional provision, or law or precedent, that will furnish us a tolerable excuse for such action.

I must, therefore, return the resolution and recommend that the same be reconsidered.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Finlay the bill and veto message were taken up, and the Senate passed the bill notwithstanding the objections of the Governor, by the following vote:

Yeas—Senators Ball, Broughton, Cole, Dillard, Ford,

Finlay, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Randle, Saylor, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—22.

Nay—Senator Rawson—1.

Senator Ball introduced a bill to be entitled "An act supplemental to an act passed on the third day of May, defining the Palo Pinto land district."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

Senator Tracy called up House bill No. 986, "An act making an appropriation to pay old pensioners."

The bill was read first time; rules suspended, read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Baker, Ball, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Henry, King, Rawson, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy and Word—21.

Senator Word called up House bill No. 797, "An act defining the powers of the county courts of this State in relation to *ex officio* services of sheriffs and district clerks."

Senator Baker moved a call of the Senate. Call sustained.

Absent—Senator Hall.

Senator Pickett called up Senate bill No. 188, "An act appropriating certain forfeited and illegal field notes to the general school fund." Read second time and ordered engrossed; rules suspended, read third time and passed.

Senator Baker called up House bill No. 79, "An act for the relief of the heirs of Antonio Manchaca." Read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Baker, Ball, Cole, Dillard, Dohoney, Finlay, Flanagan, Ford, Fountain, Franks, Gaines, King, Rawson, Randle, Ruby, Sayers, Shelley, Tendick, Tracy, Word and Mr. President—21.

Senator Broughton called up House bill No. 509, "An act to amend an act to incorporate the Island City Real Estate and Homestead Association of Galveston, approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Cole called up House bill No. 790, "An act to provide for the payment of certain employes therein named."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Baker, Ball, Cole, Dillard, Ford, Finlay, Fountain, Franks, Gaines, Henry, King, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tendick, Tracy and Word—20.

Senator Dillard called up House bill No. 938, "An act supplementary to and amendatory of an act to incorporate the Indianola, San Antonio and El Paso Railroad Company, passed April 3, 1871, and to grant land in aid of the construction of the same."

The bill was read first time; rules suspended, read second time and passed to third reading; rules further suspended, bill read third time and passed by the following vote:

Yeas—Senators Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Henry, King, Pyle, Rawson, Randle, Ruby, Shelley and Tendick—19.

Nay—Senator Word—1.

Senator Dohoney called up House bill No. 543, "An act for the relief of the heirs of Rev. Martin Ruter, deceased."

The bill was read second time and passed to third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Baker, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Henry, King, Pyle, Rawson, Randle, Saylor, Shelley, Swift, Tendick and Tracy—20.

Nay—Senator Word—1.

Senator Finlay called up substitute for House bill No. 55, "An act to more particularly define the name and route of the Houston and Great Northern Railroad Company."

Senator Tracy moved to indefinitely postpone the bill.

Senator Ruby moved to lay that motion on the table. Carried.

Senator Flanagan moved to lay the bill on the table. Carried.

Senator Tracy moved to reconsider the vote just taken, and to lay that motion on the table. Carried.

Senator Flanagan called up House bill No. 950, "An act concerning judicial advertisements in Comanche county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Franks called up House bill No. 415, "An act to authorize the several county courts of this State to offer a premium for wolf scalps."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Baker, Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Flanagan, Fountain, Franks, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick and Word—22.

On motion of Senator Sayers the Senate adjourned to 4 o'clock P. M.

AFTERNOON SESSION.

Senate met at 4 P. M., pursuant to adjournment. Roll called: quorum present.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

Sir: Your Committee on Enrolled Bills ask leave to report that they have carefully examined the following Senate bills:

No. 377, "An act to amend section two of an act concerning county seats, approved May 9, 1838."

No. 245, "An act to authorize the sale of a portion of the public domain."

No. 394, "An act for the relief of C. C. King."

No. 242, "An act for the relief of certain pre-emption settlers in Bandera county."

No. 390, "An act making an appropriation for the Supreme Court."

No. 404, "An act supplemental to an act entitled an act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for the fiscal year beginning September 1, 1873, and ending August 31, 1874."

No. 261. "An act to prevent the sale or gift of spirituous or intoxicating liquors within three miles of the Palo Alto Institute, in Bell county."

No. 225, "An act to amend the twenty-second section of an act entitled an act to consolidate in one act and amend the several acts incorporating the town of Rusk, in Cherokee county."

Joint resolution No. 48, authorizing the Governor to effect the removal of the Indians from the frontier of this State, and making an appropriation for that purpose.

Joint resolution No. 46, "Joint resolution granting leave of absence to the Hon. Moses B. Walker, Justice of the Supreme Court, from the adjournment of the present term of the Supreme Court to the assembling of the next term of the same."

And find the same correctly enrolled.

J. G. TRACY, Chairman, *pro tem.*

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills, to whom was referred Senate bill No. 275, "An act to create and organize the county of Green," have examined and find the same correctly enrolled.

J. G. TRACY, Chairman *pro tem.*

Senator Fountain submitted the following report:

Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIRS: Your joint committee of conference, to whom was referred Senate bill No. 352, have agreed to recommend as follows:

That the House recede from its amendments.

That the bill be amended as to limit the term of the courts in Cameron county to three weeks.

Amend further by striking out "La Salle county," the same having been attached to McMullen county by an act of the present Legislature.

A. J. FOUNTAIN,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

Adopted.

Senator Ruby, chairman *pro tem.* of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed Senate bill No. 188, "An act appropriating certain forfeited and illegal surveys to the general school fund."

G. T. RUBY, Chairman *pro tem*.

Senator Finlay presented the following report of the sergeant-at-arms:

Hon. E. B. Pickett, President of the Senate:

SIR: In compliance with a resolution offered by the Senator from Travis, I beg leave to make the following report:

I found and have now in my charge the following articles of furniture belonging to the President's room: One wardrobe, one bureau, one lounge, two rugs, one bedstead, three sets of window curtains, one carpet complete.

The bureau was in the Secretary of State's store-room, and the balance was in the vault under the Capitol steps.

A. FAULKNER, Sergeant-at-Arms.

Senator Tracy introduced a bill to be entitled "An act making an appropriation for the Educational Department." Read first time and not referred.

Senator Pyle called up House concurrent resolution asking the Governor to offer a reward of five hundred dollars for the apprehension and delivery to the sheriff of Hill county, one John A. Purnell, absconder with school funds. Resolution adopted by the Senate.

A message was received from the House informing the Senate that the House had passed Senate joint resolution No. 45, for the relief of Mrs. Belle Murray, notwithstanding the objections of his Excellency the Governor.

Senator Henry called up House bill No. 984, "An act to prohibit the sale or otherwise disposing of spirituous or intoxicating liquors within three miles of Union Valley, Wilson county."

The bill was read first time; rules suspended, read second time and ordered engrossed; rules further suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 992, "An act providing the time for holding the District Courts in the Twenty-second Judicial District."

Senate bill No. 170, "An act to incorporate the El Paso Real Estate, Trust and Irrigation Company."

House bill No. 993, "Joint resolution authorizing the Governor to offer a reward of five hundred dollars for the arrest of James Wheat, for the murder of Ebenezer Davis."

House bill No. 994, "An act granting the privilege of collecting tolls in certain cases, and to fix the rates thereof."

Senate bill No. 286, "An act for the relief of Benjamin C. Franklin."

Senate bill No. 264, "An act to authorize Zimri Tate to construct, own and keep a toll bridge on the Sabine river."

Senator Fountain called up House joint resolution No. 973, concerning diversion of a certain square in the city of Austin from the purpose to which it was dedicated.

Senator Finlay offered a substitute for the resolution. Substitute adopted.

The resolution was read a second time and ordered engrossed; rules suspended, read third time and passed.

Senator Dohoney in the chair.

Senator King called up House bill No. 487, "An act to provide for the construction and repairing of courthouses and jails by the several counties of this State."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Pyle called up House bill No. 987, "An act to authorize the county court of Ellis county to have transcribed the record of deeds from the counties of Robertson and Navarro, and have the same recorded in Ellis county."

The bill was read second time and passed to a third reading; rules suspended, read third time and passed.

Senator Rawson called up Senate bill No. 279, "An act to authorize the county court of Kendall county to levy a special tax to build a jail at the county seat."

The bill was read a second time; rules suspended, read a third time and passed.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills ask leave to report that they have examined and find correctly engrossed:

Senate bill No. 411, "An act to grant leave of absence from the State to Judge James Masterson, in 1873."

Senate bill No. 410, "An act supplemental to an act of May 3, 1873, defining boundaries of Palo Pinto land district."

HENRY C. KING, Chairman.

Senator Randle called up House bill No. 628, "An act to consolidate into one act and amend the several acts incorporating the city of Houston, in Harris county."

On motion of Senator Tracy, the bill was indefinitely postponed.

Senator Ruby called up House bill No. 868, "An act to amend an act concerning executions," with amendments by the Senate, and the Senate receded from its amendments.

Senator Ruby called up House bill No. 869, "An act to amend the tenth and twelfth sections of an act to regulate proceedings in the district courts," with amendments by the Senate; and on motion of Senator Shelley, the Senate adhered to its second amendment; and on motion of Senator Finlay, the Senate receded from its first amendment.

Senator Shelley submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 950, to be entitled "An act concerning judicial advertisements in Comanche county," have carefully considered the same, and I am instructed to report the bill back with the recommendation that it do pass.

N. G. SHELLEY, for Committee.

A special committee from the House was announced, who presented, in the name of the House of Representatives, and of all the people of the State of Texas, articles of impeachment against William Chambers, Judge of the First Judicial District of the State of Texas.

Senator Shelley moved that the articles of impeachment be received and laid upon the table.

Senator Flanagan moved that the articles of impeachment be rejected.

Senator Finlay moved a call of the Senate. Call sustained.

Absent—Senators Ball and Hall.

A message was received from the House informing the

Senate of the passage by the House of House bill No. 113, "An act concerning landlords and tenants," notwithstanding the objections of the Governor.

Senator Sayers moved that the message just received be taken up. Carried.

The question then being on the passage of the bill notwithstanding the objections of the Governor, the same was put, and the bill lost by the following vote:

Yeas—Senators Broughton, Cole, Dillard, Dohoney, Finlay, Henry, King, Sayers, Shelley, Swift and Word—11.

Nays—Senators Baker, Flanagan, Fountain, Gaines, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—10.

President Pickett in the chair.

Senator Dillard, chairman of select committee, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your select committee, to whom was referred the consideration of the memorial of J. W. Johnson, charging Senators and members of the House of Representatives of the Twelfth Legislature of bribery and corruption at the time of the passage of the Texas Pacific Railroad charter, have had the same under consideration, and from the shortness of time allowed them, they beg leave to report that they have not made any progress in the investigation, and they are of the opinion that it will be impossible for the investigation to be pushed to any satisfactory conclusion during the session of the Legislature. They therefore recommend the adoption of the accompanying resolutions providing for an investigation in vacation.

JAS. E. DILLARD, Chairman.

1. *Resolved by the Senate*, That a committee of three members of the Senate be appointed by the President of the Senate to sit in vacation of the Legislature to investigate the charges of bribery and corruption brought against Senators and members of the House of Representatives of the Twelfth Legislature, and that said committee be empowered to sit at such times and places as they may see fit, and to send for such persons and papers, and to administer oaths; and shall have power to appoint a clerk, if necessary; and that they be fully empowered to conduct said examination as fully as if the Legislature was in session; and that they are required to make their report to the next session of the Legislature.

2. *Resolved*, That the members of the committee and the clerk be allowed the same pay as members while the Legislature is in session, and witnesses be allowed the same *per diem* and mileage as witnesses testifying before the Legislature.

Senator Baker moved to lay the resolution on the table. Carried by the following vote:

Yeas—Senators Baker, Broughton, Cole, Ford, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Pyle, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—18.

Nays—Senators Ball, Dillard, Dohoney, Finlay, Shelley, Swift, Word and Mr. President—8.

On motion of Senator Fountain, the Senate adjourned till 11 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, June 4, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Pyle, the reading of the journal of yesterday was dispensed with.

Senator Shelley called up Senate bill No. 371, "An act making appropriations to supply the deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State Government," with amendments by the House, and the Senate concurred in the amendments.

Senator Tracy, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: I, on behalf of your Committee on Enrolled Bills, would respectfully report that on yesterday, at 11 o'clock A. M., I presented to His Excellency the Governor, for his approval and signature, the following Senate bills, to-wit:

No. 362, "An act to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease."

No. 393, "An act to promote the construction of water-works for the city of Galveston."

No. 275, "An act to create and organize the county of Green."